

Message Text

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ACTION L-03

INFO OCT-01 IO-13 ISO-00 ACDA-10 AF-08 ARA-10 EA-09
EUR-12 NEA-10 OIC-02 DPW-01 DHA-02 CIAE-00 PM-04
H-02 INR-07 NSAE-00 NSC-05 PA-02 PRS-01 SP-02
SS-15 USIA-15 /134 W
-----041412Z 051767 /45

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FM USMISSION GENEVA
TO SECSTATE WASHDC 6396
INFO SECDEF WASHDC
JCS WASHDC

UNCLAS GENEVA 2526

OSD ALSO PASS TO AI/JA, NAVY JAG, DAJA-IA

E.O.11652: N/A
TAGS: PFOR, PARM
SUBJECT: DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW

REF: GENEVA 2525

1. DRAFTING COMMITTEE HAS REVISED ART. 46 BY NUMBERING INITIAL
PAR AS 1 AND BY DIVIDING THE PARAGRAPH INDISCRIMINATE
ATTACKS INTO TWO PARAGRAPHS AS FOLLOWS:

QUOTE 4. INDISCRIMINATE ATTACKS ARE PROHIBITED. INDIS-
CRIMINATE ATTACKS ARE:

- (A) THOSE WHICH ARE NOT DIRECTED AT A SPECIFIC MILITARY
OBJECTIVE;
- (B) THOSE WHICH EMPLOY A METHOD OR MEANS OF COMBAT
WHICH CANNOT BE DIRECTED AT A SPECIFIC MILITARY OBJECTIVE;
- OR
- (C) THOSE WHICH EMPLOY A METHOD OR MEANS OF COMBAT THE
EFFECT OF WHICH CANNOT BE LIMITED AS REQUIRED BY THIS
PROTOCOL;

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AND CONSEQUENTLY, IN EACH SUCH CASE, ARE OF A NATURE TO
STRIKE MILITARY OBJECTIVES AND CIVILIANS OR CIVILIAN OBJECTS
WITHOUT DISTINCTION.

5. AMONG OTHERS, THE FOLLOWING TYPES OF ATTACKS ARE TO BE
CONSIDERED AS INDISCRIMINATE:
(A) AN ATTACK BY BOMBARDMENT BY ANY METHOD OR MEANS WHICH

TREATS AS A SINGLE MILITARY OBJECTIVE A NUMBER OF
CLEARLY SEPARATED AND DISTINCT MILITARY OBJECTIVES LOC-
ATED IN A CITY, TOWN, OR VILLAGE, OR OTHER AREA CONTAIN-
ING A CONCENTRATION OF CIVILIANS OR CIVILIAN OBJECTS; AND
(B) AN ATTACK WHICH MAY BE EXPECTED TO CAUSE INCIDENTAL
LOSS OF CIVILIAN LIFE, INJURY TO CIVILAINS, DAMAGE TO CIV-
ILIAN OBJECTS OR A COMBINATION THEREOF WHICH WOULD BE EX-
CESSIVE IN RELATION TO THE CONCRETE AND DIRECT MILITARY
ADVANTAGE ANTICIPATED. UNQUOTE.

2. ARTICLE 50 (2) (A) (III) CONTINUES TO STATE RULE OF PROPOR-
TIONALITY WITHOUT CHANGE. CORENSEN

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Message Attributes

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